

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>IVAN TELEGUZ,</b>	)	
	)	
Petitioner,	)	Case No. 7:10CV00254
	)	
v.	)	<b>ORDER</b>
	)	
<b>LORETTA KELLY, WARDEN,</b>	)	By: James P. Jones
<b>SUSSEX I STATE PRISON,</b>	)	United States District Judge
	)	
Respondent.	)	

In this habeas matter, in which the state prisoner is under sentence of death, he has moved for an additional extension of 90 days to file his federal petition. For the reasons set forth, I will grant the motion only in part.

Ivan Teleguz was sentenced to death in early 2006 by a Virginia court for a murder for hire that occurred in 2001. His conviction and sentence were upheld on direct appeal, *Teleguz v. Commonwealth*, 643 S.E.2d 708 (Va. 2007), *cert. denied*, 552 U.S. 1191, *petition for rehearing denied*, 552 U.S. 1332 (2008), and his state habeas petition was dismissed on January 15, 2010, *Teleguz v. Warden of Sussex I State Prison*, 688 S.E.2d 865 (Va. 2010), *petition for rehearing denied*, Rec. No. 080760 (Apr. 22, 2010). On April 29, 2010, the state trial court set his execution date for June 21, 2010.

On June 16, 2010, this court granted motions filed on Teleguz's behalf and stayed his pending execution and appointed counsel for him in anticipation of a federal petition for habeas corpus. By order entered July 1, 2010, the court directed that the federal habeas petition be filed no later than September 14, 2010. At 4:58 PM on Friday, September 3, prior to the Labor Day Weekend, Teleguz's counsel filed the present motion seeking an additional 90 days to file the petition. On the next business day, September 7, I directed a response from the respondent to be filed no later than September 9. That response, objecting to any extension, was timely filed and motion is now ripe for determination.

After careful consideration of the parties' submissions, I agree that the likely volume of material in the state record and the fact that Teleguz has at least one new attorney, justifies a short extension of time. Otherwise, I agree with the respondent that further delay is not justified.

Accordingly, I direct that Petitioner's Motion for Extension of Time to File Habeas Petition (ECF No. 17) is GRANTED IN PART and the time for filing the petition for habeas corpus in this case is extended to and including October 14, 2010.

It is so **ORDERED**.

1

ENTER: September 13, 2010

/s/ James P. Jones  
United States District Judge